

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN ASSEMBLY JUNE 4, 2003

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 328

**Introduced by Committee on Judiciary (Senators Escutia
(Chair), Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher)**

February 19, 2003

An act to amend Sections ~~70303~~, 15807, 15808.1, 15812, 15815, 15862, 70303, 70355, 70356, 70357, 70358, 70362, 70366, 70367, 70373, 70373.5, 70374, 70375, 70392, 70402, and 76000 of, to add Section 70379 to, and to repeal Section 70046.2 of, the Government Code, and to amend Section 42007 of the Vehicle Code, relating to court facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 328, as amended, Committee on Judiciary. Court facilities: funding.

(1) *The State Building and Construction Act of 1955 governs various aspects of the acquisition, construction, purchase, leasing, and finance of public buildings.*

This bill would exempt court facilities from certain aspects of that act, as specified.

(2) *The Trial Court Facilities Act of 2002 provides for the finance, operation, and maintenance of court facilities, including the requirement that each county remit a county facilities payment, to be*

calculated as specified, to the Controller for deposit in the Court Facilities Trust Fund.

This bill would impose a state-mandated local program by revising the method for the calculation of the county facilities payment, and would make conforming changes. The bill would also require new duties of the Administrative Office of the Courts in this regard through June, 2007. The bill would also exempt the acquisition and construction of court facilities from provisions of the Public Contract Code, as specified.

The bill would also establish the Court Facilities Architecture Revolving Fund in the State Treasury as a continuously appropriated fund for the expenditure of specified moneys for the construction, alteration, repair, and improvement of court facilities.

(3) Existing law sets the compensation and benefits of court reporters and court reporters pro tempore in Fresno County, as specified.

This bill would repeal that provision.

~~(2)~~

(4) Existing law imposes a surcharge on appearance fees in civil actions, as specified, to be deposited in the Court Facilities Trust Fund in order to provide additional funds for maintaining and expanding the uniform accessibility of the courts and judicial process throughout the state.

This bill would clarify the application of, and revise the collection procedure for, that surcharge. The bill would also clarify provisions governing the responsibilities and authority of the Administrative Office of the Courts regarding court facilities.

~~(3)~~

(5) Existing law prescribes procedures for calculation of the county facilities payment that each county is required to remit for deposit into the Court Facilities Trust Fund and establishes the Court Facilities Dispute Resolution Committee to resolve disputes between a county and the Judicial Council regarding, among other things, the amount of that county facilities payment. Existing law also establishes the State Court Facilities Construction Fund and specifies that money in that fund may be used only for designated purposes.

This bill would correct erroneous references in those provisions.

~~(4)~~

(6) Existing law establishes an additional penalty to be assessed by each county on fines, penalties, and forfeitures imposed for criminal



offenses for the local courthouse construction fund, as specified for each county.

This bill would increase that additional penalty for Fresno County from \$5 to \$7.

(7) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: ~~majority~~ ²/₃. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 15807 of the Government Code is*
- 2 *amended to read:*
- 3 15807. The acquisition by the board of any property is subject
- 4 to the approval of the Department of Finance. The board shall
- 5 contract with the Department of General Services for the
- 6 maintenance, repair, and equipment of all public buildings
- 7 constructed, acquired, or operated by the board, when the
- 8 Department of General Services elects to furnish maintenance and
- 9 repair, such maintenance and repair to include the items of
- 10 maintenance, repair, and equipment customarily supplied or
- 11 afforded to other state buildings by the Department of General
- 12 Services, *except as provided in paragraph (1) of subdivision (e)*
- 13 *of Section 70374.*
- 14 SEC. 2. *Section 15808.1 of the Government Code is amended*
- 15 *to read:*
- 16 15808.1. After January 1, 1980, with respect to the
- 17 construction, purchase, or lease for a period of five years firm term
- 18 or more, of buildings for the conduct of state business which are
- 19 located or will be located in a standard metropolitan statistical area
- 20 (SMSA) with a population of 250,000 or more according to the

1 most recent decennial census, which is served by a public transit
2 operator, the State Public Works Board, the Department of
3 Finance, and the Department of General Services shall give
4 consideration to the location of existing public transit corridors in
5 the area. Construction, purchase, or lease of buildings for a period
6 of five years firm term or more at locations outside of existing
7 public transit corridors may be approved after the board or
8 department, as the case may be, has determined that the purpose
9 of the facility does not require transit access or the transit operator
10 will provide service as needed, to effectively serve the facility.
11 However, the determination that the purpose of the facility does
12 not require transit access shall not be made if the facility employs
13 more than 200 people or directly serves the public. The board or
14 departments may request the assistance of the transit operator in
15 making their determination and shall notify the operator of their
16 decision. *This section does not apply to buildings described in*
17 *paragraph (2) of subdivision (e) of Section 70374.*

18 SEC. 3. Section 15812 of the Government Code is amended to
19 read:

20 15812. The unused balance of any amount heretofore or
21 hereafter authorized or appropriated by the Legislature for any
22 public building to be acquired or constructed pursuant to this part
23 which the Director of Finance, with the approval of the board,
24 determines is not required for the building for which it was
25 authorized or appropriated may be transferred on order of the
26 Director of Finance to and in augmentation of any authorization
27 or appropriation made for any other building or buildings under
28 this part and is hereby authorized or appropriated, as the case may
29 be, for the acquisition or construction of any other building or
30 buildings authorized under this part.

31 This section ~~shall~~ *does not* apply to amounts authorized or
32 appropriated for acquisition or construction of buildings
33 authorized by Chapter 1072 of the Statutes of 1957 *or buildings*
34 *subject to subdivision (f) of Section 70379.*

35 SEC. 4. Section 15815 of the Government Code is amended to
36 read:

37 15815. (a) The plans and specifications for any public
38 building constructed pursuant to this part shall be prepared by the
39 Department of General Services, and the board shall reimburse the
40 department for the costs of its services from the funds available for

that purpose. Any public building constructed under this part shall be constructed in accordance with the State Contract Act.

(b) Subdivision (a) does not apply to any public building constructed by, or on behalf of, the board for lease-purchase by the board to, or in connection with, a contract between the board and any of the following entities:

(1) The Regents of the University of California, if the public building is constructed under Article 1 (commencing with Section 10500) of Chapter 2.1 of Part 2 of Division 2 of the Public Contract Code.

(2) The Trustees of the California State University, if the public building is constructed under Chapter 2.5 (commencing with Section 10700) of Part 2 of Division 2 of the Public Contract Code.

(3) A community college district, if the building is constructed under Article 47 (commencing with Section 20650) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.

(c) *Subdivision (a) does not apply to any public building constructed with the Administrative Office of the Courts serving as the implementing agency under subdivision (b) of Section 70374.*

SEC. 5. *Section 15862 of the Government Code is amended to read:*

15862. ~~When~~ (a) *Except as specified in subdivision (b), all real property or interest in real property acquired by the state or the Judicial Council pursuant to the Trial Court Facilities Act of 2002 (Chapter 5.7 (commencing with Section 70301) of Title 8), or pursuant to Sections 69202 to 69206, inclusive, shall be under the jurisdiction of the Judicial Council immediately upon transfer of the title to the state.*

(b) *When real property is acquired by the state pursuant to this part, jurisdiction over the property shall remain in the Department of General Services until the property is needed for the purpose for which it was acquired. The Director of General Services may transfer jurisdiction of the property to the agency for whose use it was acquired before it is needed for the purpose for which acquired if in his opinion the transfer is in the best interests of the state. The department may lease all or any portion of the property which is not presently needed on terms and conditions as the director may fix and may maintain, improve, and care for the property in order to secure rent therefrom. The department may remove or demolish buildings or other structures on the property when it is desirable*

1 to do so. It may sell or dispose of the improvements or any
2 materials available upon the demolishing of any building or
3 structure on the property.

4 *SEC. 6.* Section 70046.2 of the Government Code is repealed.

5 ~~*SEC. 1.5.*~~

6 *SEC. 7.* Section 70303 of the Government Code is amended
7 to read:

8 70303. (a) The Court Facilities Dispute Resolution
9 Committee is hereby created to hear and determine disputes
10 between a county and the Judicial Council as specified by this
11 chapter.

12 (b) The committee shall consist of the following members:

13 (1) One person selected by the California State Association of
14 Counties.

15 (2) One person selected by the Judicial Council.

16 (3) One person selected by the Director of Finance.

17 (c) The committee shall hear and make recommendations to the
18 Director of Finance for determinations in disputes involving the
19 following matters:

20 (1) Buildings rejected for transfer of responsibility because of
21 deficiencies as provided in Section 70328.

22 (2) Failure to reach agreement on transfer of responsibility for
23 a building as provided in Section 70333.

24 (3) Disputes regarding the appropriateness of expenditures
25 from a local courthouse construction fund as provided in Section
26 70403.

27 (4) County appeal of a county facilities payment amount as
28 provided in Section 70366.

29 (5) Administrative Office of the Courts appeal of a county
30 facilities payment amount as provided in Section 70367.

31 (d) Upon receipt of the recommendation from the committee,
32 the Director of Finance shall make the final determination of the
33 issue in dispute.

34 (e) The expenses of members of the committee shall be paid for
35 by the agency or organization selecting the member.

36 (f) The Judicial Council, the California State Association of
37 Counties, and the Department of Finance shall jointly provide for
38 staff assistance to the committee.

39 (g) Regulations and rules adopted by the committee shall be
40 exempt from review and approval or other processing by the

1 Office of Administrative Law required by Chapter 3.5
2 (commencing with Section 11340) of Part 1 of Division 3 of Title
3 2.

4 ~~SEC. 2.—~~

5 SEC. 8. *Section 70355 of the Government Code is amended to*
6 *read:*

7 70355. (a) Except for the value computed under Section
8 70359, all values listed in this article shall be adjusted from the
9 fiscal year of the expenditure to the *month of the* effective date of
10 transfer for inflation using, as the inflation index, the average of
11 the following three indices from the Bureau of Labor Statistics
12 Producer Price Index, *all rebased to equal 100 as of January 1996:*

13 (a) Building cleaning and maintenance services (Series Id PCU
14 7349). (b) Operators and lessors of nonresidential buildings
15 (Series Id PCU 6512). (c) Maintenance and repair constructions
16 (Series Id PCU BMRP).

17 (b) *For purposes of this section, “rebasing” means dividing all*
18 *the values of the price index, by the value of the price index for the*
19 *period to which the values are to be rebased, and multiplying the*
20 *results by 100.*

21 SEC. 9. *Section 70356 of the Government Code is amended to*
22 *read:*

23 70356. The following items shall be included in the county
24 facilities payment based on a five-year average of expenditures
25 made by the county for facility operation and maintenance. This
26 amount shall be computed by multiplying the value for each of the
27 five fiscal years from 1995–96 to 1999–2000, inclusive, by the
28 ~~increase~~ *change* in the inflation index *specified in Section 70355*
29 *from January 1 of that fiscal year to the month of the date of*
30 *transfer of responsibility for the court facilities from the county to*
31 *the state, inclusive, and then averaging the five inflated adjusted*
32 *yearly values:*

33 (a) Maintenance and repair, including, but not limited to,
34 maintenance and repair of the building and its components, utility
35 systems, security equipment, and interior and exterior lighting.

36 (b) Purchase, installation, modernization, and maintenance of
37 major building systems not of an ongoing nature, including, but
38 not limited to, plumbing, HVAC (heating, ventilation, and
39 air-conditioning), electrical, and vertical transportation.

40 (c) A special repair.

1 (d) Landscaping and grounds maintenance services for court
2 facilities.

3 (e) Maintenance of parking spaces or garages dedicated to the
4 court or for jurors.

5 (f) County facility management and administrative costs
6 directly or indirectly associated with trial court facilities,
7 including, but not limited to, management, supervision, planning,
8 design, department administration, payroll, finance, procurement,
9 and program management.

10 *SEC. 10. Section 70357 of the Government Code is amended*
11 *to read:*

12 70357. The cost of utilities shall be included in the county
13 facilities payment by calculating the average consumption of
14 utilities for the fiscal years 1995–96 to 1999–2000, inclusive, and
15 multiply the consumption averages by the 1999–2000 rates, and
16 multiplying the value by the increase in the inflation index
17 *specified in Section 70355* from January 1, 2000, to the *month of*
18 *the date of transfer of responsibility for the court facilities from the*
19 *county to the state, inclusive.* As used in this section, utility costs
20 include, but are not limited to, natural gas, heating oil, electricity,
21 water, sewage, and garbage. The consumption rates for
22 1999–2000 shall be the average of the rates for each month of that
23 fiscal year. Utility costs shall be included without regard to
24 whether payment of the costs was made by the county, the court,
25 or another entity, except that the amount of specific utility costs
26 may not be included in the county facilities payment if all of the
27 following conditions are satisfied:

28 (a) A lease expressly provides that the utilities are to be paid by
29 the lessor.

30 (b) There is no payment by the lessee for the utilities, except as
31 part of the lease payment.

32 (c) The lease payment is included in the county facilities
33 payment.

34 *SEC. 11. Section 70358 of the Government Code is amended*
35 *to read:*

36 70358. Insurance costs shall be included in the county
37 facilities payment. If the actual expenditures made by the county
38 are used to determine the amount, the expenditures shall be based
39 on the 1999–2000 fiscal year multiplied by the increase in the
40 inflation index *specified in Section 70355* from January 1, 2000,

1 to the *month of the* date of the transfer of responsibility for the
2 court facilities from the county to the state, *inclusive*.

3 The amount of insurance may not include the cost of any
4 insurance required by any agreement involving bonded
5 indebtedness on the facility to the extent that the cost of insurance
6 is greater than the cost of commercial insurance coverage on the
7 building.

8 The determination of the insurance costs may consider the costs
9 of commercial insurance coverage for a fair and reasonable level
10 of insurance and the costs of self-insurance. The amount of the
11 insurance costs shall be subject to negotiation between the Judicial
12 Council and the county.

13 To the extent the responsibility for grounds is transferred, the
14 insurance costs for court facilities shall include, but not be limited
15 to, the cost of liability insurance relating to the grounds.

16 *SEC. 12. Section 70362 of the Government Code is amended*
17 *to read:*

18 70362. (a) The Department of Finance shall provide the
19 Administrative Office of the Courts with the base inflation index
20 figures *specified in Section 70355* for January 1, 1996, January 1,
21 1997, January 1, 1998, January 1, 1999, and January 1, 2000, to
22 be included in the approved instructions. ~~When the proposed date~~
23 ~~of transfer of responsibility is determined for a facility, the~~
24 ~~department shall provide the Administrative Office of the Courts~~
25 ~~with the inflation index figures for that county for the proposed~~
26 ~~dates of transfer. If the actual date of transfer is different than the~~
27 ~~proposed date of transfer, the department shall provide the~~
28 ~~Administrative Office of the Courts with the inflation index~~
29 ~~figures for that county for the actual date of transfer.~~

30 (b) *During the period from July, 2003, to June, 2007, inclusive,*
31 *on a monthly basis, the department shall provide the*
32 *Administrative Office of the Courts with a forecast of the monthly*
33 *inflation index figures specified in Section 70355, using a*
34 *methodology mutually agreed upon by the department,*
35 *Administrative Office of the Courts, and California State*
36 *Association of Counties. This forecast may be used to make a*
37 *preliminary determination of the county facility payment based on*
38 *the proposed and final month of transfer.*

39 (c) *The department shall provide the Administrative Office of*
40 *the Courts with the final revised inflation index figures specified*

1 in Section 70355 when the final data is available from the Bureau
2 of Labor Statistics Producer Price Index. If the final inflation index
3 figures for the month when a facility transferred from the county
4 to the state is different than the figure used to calculate the county
5 facility payment at the time of the transfer, the Administrative
6 Office of the Courts shall recalculate the county facilities payment
7 based on the final inflation index figures.

8 (d) Notwithstanding subdivision (c) of Section 70353, any
9 change in the final county facilities payment made pursuant to
10 subdivision (c) shall be reflected as an adjustment to the schedule
11 of county facilities payments at the beginning of the next fiscal
12 year. In addition, any over or underpayment resulting from the
13 difference between the final calculation made pursuant to
14 subdivision (c) and the county facility payment calculation made
15 at the time of transfer shall be reflected as a one-time adjustment
16 to the amount of the first county facility payment owed at the
17 beginning of the next fiscal year.

18 SEC. 13. Section 70366 of the Government Code is amended
19 to read:

20 70366. (a) Within 30 days after the Administrative Office of
21 the Courts has mailed the county the approved county facilities
22 payment, pursuant to subdivision (d) of Section 70363, the county
23 may submit a declaration to the Court Facilities Dispute
24 Resolution Committee, with the mailing of copies to the other
25 parties, that the amount is incorrect for one or more of the
26 following reasons:

27 (1) Expenditure data is reported incorrectly or calculated
28 incorrectly and causes an approved county facilities payment
29 amount that is higher than the payment should be.

30 (2) The approved county facilities payment includes amounts
31 that were specifically appropriated, funded, and expended by the
32 county to fund extraordinary one-time expenditures.
33 Extraordinary one-time expenditures do not include periodic
34 major facility repair or maintenance including, but not limited to,
35 reroofing or replacement of a major system component.
36 Extraordinary one-time expenditures do include, but are not
37 limited to, abatement of asbestos and seismic structural upgrades.

38 (3) The approved county facilities payment includes expenses
39 funded from grants or subventions that would not have been
40 funded without these grants or subventions.

(b) The Administrative Director of the Courts shall mail comments to the Court Facilities Dispute Resolution Committee on the county's declaration within 30 days of the mailing of the county's declaration, with the mailing to the other parties.

(c) Within 90 days of receipt of comments pursuant to subdivision (b), the Court Facilities Dispute Resolution Committee shall review the declarations and comments received, and make its recommendation to the Director of Finance concerning correction of any errors and, if necessary, adjustment of the amount of the county facilities payment. The Court Facilities Dispute Resolution Committee shall mail a copy of its recommendation to all the parties.

(d) The Director of Finance or his or her designee shall review the recommendations of the Court Facilities Dispute Resolution Committee and make his or her determination concerning any correction of errors and, if necessary, adjustment of the amount of the county facilities payment. The director shall mail a copy of his or her determination on all the parties.

~~SEC. 3.—~~

SEC. 14. Section 70367 of the Government Code is amended to read:

70367. (a) Within 30 days after the Administrative Director of the Courts has mailed to the county, pursuant to subdivision (d) of Section 70363, the approved county facilities payment, the Administrative Director of the Courts may submit a declaration to the Court Facilities Dispute Resolution Committee, mailing of copies to the other parties, that the amount is incorrect because the county failed to report court facilities expenses paid by the county which reduced the amount of the approved county facilities payment.

(b) The county shall mail its comments to the Court Facilities Dispute Resolution Committee on the administrative director's declaration within 30 days of the mailing of the administrative director's declaration, with mailing to the other parties.

(c) Within 90 days of receipt of comments pursuant to subdivision (b), the Court Facilities Dispute Resolution Committee shall review the declarations and comments received, and makes its recommendation to the Director of Finance concerning correction of any errors and, if necessary, adjustment of the amount of the county facilities payment. The Court

1 Facilities Dispute Resolution Committee shall mail a copy of its
2 recommendation to all the parties.

3 (d) The Director of Finance or his or her designee shall review
4 the recommendations of the Court Facilities Dispute Resolution
5 Committee and make his or her determination concerning any
6 correction of errors and, if necessary, adjustment of the amount of
7 the county facilities payment. The director shall serve a copy of his
8 or her determination on all the parties.

9 ~~SEC. 4.—~~

10 *SEC. 15.* Section 70373 of the Government Code is amended
11 to read:

12 70373. (a) To provide additional funds for maintaining and
13 expanding the uniform accessibility of the courts and judicial
14 process throughout the state, the following surcharges are added
15 to the total fee for filing the first paper by a party in the following
16 actions:

17 (1) A surcharge in all unlimited civil, family law, and probate
18 actions, as follows:

19 (A) Ten dollars (\$10) from January 1, 2003, through December
20 31, 2003.

21 (B) Fifteen dollars (\$15) from January 1, 2004, through
22 December 31, 2007.

23 (2) A surcharge of twenty-five dollars (\$25) in all limited civil
24 actions.

25 (b) The clerk of the court shall collect the surcharge and
26 transmit it to the county treasury. The county treasurer shall
27 transmit the funds monthly to the State Controller, to be deposited
28 in the State Court Facilities Construction Fund. Notwithstanding
29 any other provision of law, the full amount of the surcharge
30 collected shall be deposited as provided in this section.

31 ~~SEC. 5.—~~

32 *SEC. 16.* Section 70373.5 of the Government Code is
33 amended to read:

34 70373.5. (a) Notwithstanding paragraph (2) of subdivision
35 (a) of Section 70373, a surcharge of eighteen dollars (\$18) shall be
36 added to the first appearance fee in all limited civil actions in lieu
37 of the twenty-five-dollar (\$25) fee provided by that section.

38 (b) The surcharge provided for in this section and Section
39 70373 are not subject to the percentage surcharge authorized by
40 Section 68087.

(c) This section shall become inoperative on July 1, 2007, and as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends that date.

~~SEC. 6. Section 70374 of the Government Code is amended to read:~~

~~70374. (a) The Judicial Council shall annually recommend to the Governor and the Legislature the amount proposed to be spent for projects paid for with money in the State Court Facilities Construction Fund. The use of the appropriated money is subject to subdivision (l) of Section 70391.~~

~~(b) Facilities shall be subject to the State Building Construction Act of 1955 (commencing with Section 15800) and the Property Acquisition Law (commencing with Section 15850), except that notwithstanding any other provision of law, the Administrative Office of the Courts shall serve as an implementing agency upon approval of the Department of Finance.~~

~~(c) Money in the State Court Facilities Construction Fund shall only be used for either of the following:~~

~~(1) To acquire, rehabilitate, construct, or finance court facilities, as defined by subdivision (d) of Section 70301.~~

~~(2) To rehabilitate one or more existing court facilities in conjunction with the construction, acquisition, or financing of one or more new court facilities.~~

~~(d) Twenty-five percent of all money collected for the State Court Facilities Construction Fund from any county shall be designated for implementation of trial court projects in that county. The Judicial Council shall determine the local projects after consulting with the trial court in that county and based on the locally approved trial court facilities master plan for that county.~~

~~(e) Any money in the fund that is appropriated for use on a project that is not needed for completion of that project shall be returned to the fund. The amount shall then be divided between the fund and other state funds in the same proportion that the original sources of money for the project came from the fund and other state funds.~~

~~SEC. 7.—~~

~~SEC. 17. Section 70374 of the Government Code is amended to read:~~

1 70374. (a) The Judicial Council shall annually recommend to
2 the Governor and the Legislature the amount proposed to be spent
3 for projects paid for with money in the State Court Facilities
4 Construction Fund. The use of the appropriated money is subject
5 to subdivision (l) of Section 70391.

6 (b) ~~Facilities~~ *Acquisition and construction of court facilities*
7 shall be subject to the State Building Construction Act of 1955
8 (commencing with Section 15800) and the Property Acquisition
9 Law (commencing with Section 15850), except that, (1)
10 notwithstanding any other provision of law, the Administrative
11 Office of the Courts shall serve as an implementing agency upon
12 approval of the Department of Finance, and (2) *the provisions of*
13 *subdivision (e) shall prevail. Acquisition and construction of*
14 *facilities are not subject to the provisions of the Public Contract*
15 *Code, but shall be subject to facilities contracting policies and*
16 *procedures adopted by the Judicial Council after consultation and*
17 *review by the Department of Finance.*

18 (c) Money in the State Court Facilities Construction Fund shall
19 only be used for either of the following:

20 (1) To acquire, rehabilitate, construct, or finance court
21 facilities, as defined by subdivision (e) of Section 70302.

22 (2) To rehabilitate one or more existing court facilities in
23 conjunction with the construction, acquisition, or financing of one
24 or more new court facilities.

25 (d) Twenty-five percent of all money collected for the State
26 Court Facilities Construction Fund from any county shall be
27 designated for implementation of trial court projects in that
28 county. The Judicial Council shall determine the local projects
29 after consulting with the trial court in that county and based on the
30 locally approved trial court facilities master plan for that county.

31 ~~(e) Any money in the fund that is appropriated for use on a~~
32 ~~project that is not needed for completion of that project shall be~~
33 ~~returned to the fund. The amount shall then be divided between the~~
34 ~~fund and other state funds in the same proportion that the original~~
35 ~~sources of money for the project came from the fund and other~~
36 ~~state funds.~~

37 (e) *The following provisions shall prevail over provisions of the*
38 *State Building Construction Act of 1955 (Part 10.6 (commencing*
39 *with Section 15800) of Division 3 of Title 2) in regard to buildings*
40 *subject to this section.*

(1) *The Administrative Office of the Courts shall be responsible for the operation, including, but not limited to, the maintenance and repair, of all court facilities whose title is held by the state. Notwithstanding Section 15807, the operation of buildings under this section shall be the responsibility of the Judicial Council.*

(2) *Notwithstanding Section 15808.1, the Judicial Council shall have the responsibility for determining whether a building under this act shall be located within or outside of an existing public transit corridor.*

(3) *The buildings under this section are subject to Section 15814.12 concerning cogeneration and alternative energy sources at the request of, or with the consent of, the Judicial Council. Any building acquired by the state pursuant to this section on or before July 1, 2007, is not subject to subdivision (b) of Section 15814.12 concerning acquiring of cogeneration or alternative energy equipment if the building when acquired, already had cogeneration or alternative energy equipment. Section 15814.17 only applies to buildings to which the Judicial Council has given its consent under subdivision (a) of Section 15814.12.*

SEC. 18. Section 70375 of the Government Code is amended to read:

70375. (a) This article shall take effect on January 1, 2003, and the fund, penalty, and fee assessment established by this article shall become operative on January 1, 2003, except as otherwise provided in this article.

(b) In each county, the amount authorized by Section 70372 shall be reduced by the following:

(1) The amount collected for deposit into the local Courthouse Construction Fund established pursuant to Section 76100.

(2) The amount collected for transmission to the state for inclusion in the Transitional State Court Facilities Construction Fund established pursuant to Section 70401 to the extent it is funded by money from the local Courthouse Construction Fund.

(c) The amount authorized by Section 70373 shall be reduced by the following in the following counties:

(1) In the County of Riverside, the amount collected pursuant to Section 26826.1 of the Government Code for transmission to the state for inclusion in the Transitional State Court Facilities Construction Fund established pursuant to Section 70401.

1 (2) In the County of San Bernardino, the amount collected
2 pursuant to Section 76236 of the Government Code for
3 transmission to the state for inclusion in the Transitional State
4 Court Facilities Construction Fund established pursuant to Section
5 70401.

6 (3) In the City and County of San Francisco, the amount
7 collected pursuant to Section 76238 of the Government Code for
8 transmission to the state for inclusion in the Transitional State
9 Court Facilities Construction Fund established pursuant to Section
10 70401.

11 (d) The authority for all of the following shall expire
12 proportionally as of the date of transfer of responsibility for
13 facilities from the county to the Judicial Council, except so long
14 as money is needed to pay for construction provided for in those
15 sections and undertaken prior to the transfer of responsibility for
16 facilities from the county to the Judicial Council:

17 (1) An additional penalty for a local Courthouse Construction
18 Fund established pursuant to Section 76100.

19 (2) A filing fee surcharge in the County of Riverside
20 established pursuant to Section 26826.1.

21 (3) A filing fee surcharge in the County of San Bernardino
22 established pursuant to Section 76236.

23 (4) A filing fee surcharge in the City and County of San
24 Francisco established pursuant to Section 76238.

25 (e) For purposes of subdivision (d), the term “proportionally”
26 means that proportion of the fee or surcharge that shall expire upon
27 the transfer of responsibility for a facility that is the same
28 proportion as the square footage that facility bears to the total
29 square footage of court facilities in that county.

30 ~~SEC. 8.—~~

31 *SEC. 19. Section 70379 is added to the Government Code, to*
32 *read:*

33 *70379. (a) The Court Facilities Architecture Revolving Fund*
34 *is hereby established in the State Treasury. Notwithstanding*
35 *Section 13340, the fund is continuously appropriated, without*
36 *regard to fiscal years, to the Judicial Council for expenditure*
37 *pursuant to this section.*

38 *With the approval of the Department of Finance, and except as*
39 *otherwise specified in this section, there shall be transferred to, or*
40 *deposited in, the fund all money appropriated, contributed, or*

1 *made available from any source, including sources other than state*
2 *appropriations, for expenditure on work within the powers and*
3 *duties of the court facilities construction implementing authority*
4 *with respect to the construction, alteration, repair, and*
5 *improvement of trial and appellate court buildings, including, but*
6 *not limited to, services, new construction, major construction and*
7 *equipment, minor construction, maintenance, improvements, and*
8 *equipment, and other building and improvement projects, as*
9 *authorized by the Administrative Office of the Courts both with*
10 *regard to funds appropriated for that purpose or, as to funds from*
11 *sources other than state appropriations, as may be authorized by*
12 *written agreement between the contributor or contributors of*
13 *funds and the court facilities construction implementing authority,*
14 *when approved by the Department of Finance.*

15 *(b) Money from state sources transferred to, or deposited in, the*
16 *fund for construction, services, equipment, repair, or improvement*
17 *shall be the amount necessary based on the actual, known, or firm*
18 *fixed price. Money transferred for this purpose shall be upon*
19 *approval of the Department of Finance.*

20 *Any amount available in the state appropriation that is in excess*
21 *of the amount necessary, based upon final actual costs of the*
22 *completed contract, shall be immediately transferred to the credit*
23 *of the fund from which the appropriation was made.*

24 *(c) Money so transferred or deposited shall be allocated by the*
25 *Judicial Council and made available for expenditure by the court*
26 *facilities construction implementing authority for the purposes for*
27 *which appropriated, contributed, or made available.*

28 *(d) As used in this section, “court facilities construction*
29 *implementing authority” refers to the implementing agency of the*
30 *construction as provided in subdivision (b) of Section 70374.*

31 *(e) Any money in the fund that is appropriated for use on a*
32 *project that is not needed for completion of that project shall be*
33 *returned to the fund. The amount shall be divided between the fund*
34 *and other state funds in the same proportion that the original*
35 *sources of money for the project came from the fund and other state*
36 *fund.*

37 *(f) Notwithstanding Section 15812, the unused balance of any*
38 *amount authorized or appropriated by the Legislature for any*
39 *building subject to this act, which has been determined to be not*
40 *required for the building for which it was authorized or*

1 *appropriated, may be transferred, on order of the Director of*
2 *Finance, to an augmentation of any authorization or*
3 *appropriation made for any other building or buildings subject to*
4 *this act and is hereby authorized or appropriated, as the case may*
5 *be, for the acquisition or construction of any other building or*
6 *buildings subject to this chapter. Any amounts otherwise unused*
7 *shall be returned to the State Court Facilities Construction Fund,*
8 *and to the state General Fund, in the same proportion as each fund*
9 *contributed funds for the building.*

10 *SEC. 20.* Section 70392 of the Government Code is amended
11 to read:

12 70392. Except as otherwise specifically provided by law, the
13 Administrative Office of the Courts shall have the following
14 responsibilities and authority in addition to other responsibilities
15 and authority granted by law or delegated by the Judicial Council:

16 (a) Notwithstanding any other provision of law and subject to
17 the appropriation of funds, provide the ongoing oversight,
18 management, operation, and maintenance of facilities used by the
19 trial courts, if the responsibility for the facility has been transferred
20 to the Judicial Council pursuant to this chapter.

21 (b) Carry out the Judicial Council's policies with regard to trial
22 court facilities, except as otherwise expressly limited by law.

23 (c) Develop for Judicial Council approval the master plans for
24 trial court facilities in each district.

25 (d) Construction of court buildings, including, but not limited
26 to, selection of architects and contractors, except as otherwise
27 expressly limited by law.

28 (e) Delegate its responsibilities and authority to the local trial
29 court for court facilities used by that court.

30 ~~SEC. 9.—~~

31 *SEC. 21.* Section 70402 of the Government Code is amended
32 to read:

33 70402. (a) Any amount in either a county's courthouse
34 construction fund established by Section 76100, a fund established
35 by Section 26826.1 in the County of Riverside, a fund established
36 by Section 76236 in the County of San Bernardino, and a fund
37 established by Section 76238 in the City and County of San
38 Francisco, shall be transferred to the State Court Facilities
39 Construction Fund at the later of the following:

(1) The date of the last transfer of responsibility for court facilities from the county to the Judicial Council or June 30, 2007, whichever is earlier.

(2) The date of the final payment of the bonded indebtedness for any court facility that is paid from that fund is retired.

(b) If the responsibility for one or more facilities does not transfer, the county's courthouse construction fund shall retain that portion of the total money in the fund as the square footage of the facilities that do not transfer bears to the total square footage of court facilities in that county.

~~SEC. 10.~~

SEC. 22. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an additional penalty of seven dollars (\$7) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of

1 the county, the county treasurer shall place in each authorized fund
2 two dollars and fifty cents (\$2.50). These moneys shall be taken
3 from fines and forfeitures deposited with the county treasurer prior
4 to any division pursuant to Section 1462.3 or 1463.009 of the
5 Penal Code. The judges of the county shall increase the bail
6 schedule amounts as appropriate to reflect the added penalty
7 provided for by this section. In those cities, districts, or other
8 issuing agencies which elect to accept parking penalties, and
9 otherwise process parking violations pursuant to Article 3
10 (commencing with Section 40200) of Chapter 1 of Division 17 of
11 the Vehicle Code, that city, district, or issuing agency shall observe
12 the increased bail amounts as established by the court reflecting the
13 added penalty provided for by this section. Each agency which
14 elects to process parking violations shall pay to the county
15 treasurer two dollars and fifty cents (\$2.50) for each fund for each
16 parking penalty collected on each violation which is not filed in
17 court. Those payments to the county treasurer shall be made
18 monthly, and the county treasurer shall deposit all those sums in
19 the authorized fund. No issuing agency shall be required to
20 contribute revenues to any fund in excess of those revenues
21 generated from the surcharges established in the resolution
22 adopted pursuant to this chapter, except as otherwise agreed upon
23 by the local governmental entities involved.

24 (c) The county treasurer shall deposit one dollar (\$1) of every
25 two dollars and fifty cents (\$2.50) collected pursuant to
26 subdivision (b) into the general fund of the county.

27 (d) The authority to impose the two-dollar-and-fifty-cent
28 (\$2.50) penalty authorized by subdivision (b) shall be reduced to
29 one dollar (\$1.00) as of the date of transfer of responsibility for
30 facilities from the county to the Judicial Council pursuant to
31 Article 3 (commencing with Section 70321) of Chapter 5.1, except
32 as money is needed to pay for construction provided for in Section
33 76100 and undertaken prior to the transfer of responsibility for
34 facilities from the county to the Judicial Council.

35 (e) The seven dollar (\$7) additional penalty authorized by
36 subdivision (a) shall be reduced in each county by the additional
37 penalty amount assessed by the county for the local courthouse
38 construction fund established by Section 76100 as of January 1,
39 1998, when the money in that fund is transferred to the state under



Section 70402. The amount each county shall charge as an additional penalty under this section shall be as follows:

Alameda	\$5.00	Marin	\$5.00	San Luis Obispo	\$6.00
Alpine	\$5.00	Mariposa	\$2.00	San Mateo	\$4.75
Amador	\$5.00	Mendocino	\$7.00	Santa Barbara	\$3.50
Butte	\$6.00	Merced	\$5.00	Santa Clara	\$5.50
Calaveras	\$3.00	Modoc	\$4.00	Santa Cruz	\$7.00
Colusa	\$6.00	Mono	\$5.00	Shasta	\$3.50
Contra Costa	\$5.00	Monterey	\$5.00	Sierra	\$7.00
Del Norte	\$5.00	Napa	\$3.00	Siskiyou	\$5.00
El Dorado	\$5.00	Nevada	\$5.00	Solano	\$5.00
Fresno	\$7.00	Orange	\$3.50	Sonoma	\$5.00
Glenn	\$4.06	Placer	\$4.75	Stanislaus	\$5.00
Humboldt	\$5.00	Plumas	\$5.00	Sutter	\$3.00
Imperial	\$6.00	Riverside	\$4.60	Tehama	\$7.00
Inyo	\$4.00	Sacramento	\$5.00	Trinity	\$4.26
Kern	\$7.00	San Benito	\$5.00	Tulare	\$5.00
Kings	\$7.00	San Bernardino	\$5.00	Tuolumne	\$5.00
Lake	\$7.00	San Diego	\$5.00	Ventura	\$5.00
Lassen	\$2.00	San Francisco	\$6.99	Yolo	\$7.00
Los Angeles	\$5.00	San Joaquin	\$3.75	Yuba	\$3.00
Madera	\$4.50				

SEC. 23. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

1 The fee shall not include the cost, or any part thereof, of traffic
2 safety instruction offered by the school or other program.

3 (b) Revenues derived from the fee collected under this section
4 shall be deposited in accordance with Section 68084 of the
5 Government Code in the general fund of the county and, as may
6 be applicable, distributed as follows:

7 (1) In any county in which a fund is established pursuant to
8 Section 76100 or 76101 of the Government Code, the sum of one
9 dollar (\$1) for each fund so established shall be deposited with the
10 county treasurer and placed in that fund.

11 (2) In any county that has established a Maddy Emergency
12 Medical Services Fund pursuant to Section 1797.98a of the Health
13 and Safety Code, an amount equal to the sum of each two dollars
14 (\$2) for every seven dollars (\$7) that would have been collected
15 pursuant to Section 76000 of the Government Code shall be
16 deposited in that fund. Nothing in the act that added this paragraph
17 shall be interpreted in a manner that would result in either of the
18 following:

19 (A) The utilization of penalty assessment funds that had been
20 set aside, on or before January 1, 2000, to finance debt service on
21 a capital facility that existed before January 1, 2000.

22 (B) The reduction of the availability of penalty assessment
23 revenues that had been pledged, on or before January 1, 2000, as
24 a means of financing a facility which was approved by a county
25 board of supervisors, but on January 1, 2000, is not under
26 construction.

27 (3) *The amount of the fee that is attributable to Section 70372*
28 *of the Government Code shall be transferred pursuant to*
29 *subdivision (f) of that section.*

30 (c) For fees resulting from city arrests, an amount equal to the
31 amount of base fines that would have been deposited in the
32 treasury of the appropriate city pursuant to paragraph (3) of
33 subdivision (b) of Section 1463.001 of the Penal Code shall be
34 deposited in the treasury of the appropriate city.

35 (d) As used in this section, “court-supervised program”
36 includes, but is not limited to, any program of traffic safety
37 instruction the successful completion of which is accepted by the
38 court in lieu of adjudicating a violation of this code.

39 (e) The Judicial Council shall study the minimum eligibility
40 criteria governing drivers seeking to attend traffic violator’s

1 school, and report to the Legislature on the advisability of uniform
2 statewide criteria on or before January 1, 1993.

3 (f) The clerk of the court, in a county that offers traffic school
4 shall include in any courtesy notice mailed to a defendant for an
5 offense that qualifies for traffic school attendance the following
6 statement:

7
8 NOTICE: If you are eligible and decide not to attend traffic
9 school your automobile insurance may be adversely affected.

10
11 *SEC. 24. Notwithstanding Section 17610 of the Government*
12 *Code, if the Commission on State Mandates determines that this*
13 *act contains costs mandated by the state, reimbursement to local*
14 *agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code. If the statewide cost of the*
17 *claim for reimbursement does not exceed one million dollars*
18 *(\$1,000,000), reimbursement shall be made from the State*
19 *Mandates Claims Fund.*

